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HUSBAND AND WIFE IN THE FIFTEENTH CENTURY.

Illustrated by the Paston Letters.

MANY of the thousand and eighty-six letters in this collection, written between 1419 and 1506, comprise a correspondence between a lawyer at his Chambers in the Inner Temple and his family and friends in Norfolk. They show us the actual practice of the law in Littleton's day and make clear the working of principles and forms of action, now obsolete, but found in the pages of Coke and Blackstone.

Naturally many of the letters concern the relation of husband and wife and as that relation, at present usually begins with a marriage engagement between the parties, it is a curious fact that only two such engagements are referred to in the whole of the correspondence.

One of these produced very unfortunate results to the parties concerned, and a very considerable expense to the man. About July 22, 1448, Sir John Paston wrote the following to Mistress Anne Haute or Hault, a lady then in attendance upon the Queen of King Edward IV.¹

"To Mistress Anne: It is so that I may not, as oft as I would, be where I might do my message myself, mine own fair mistress Anne. I pray you to accept this bill for my messenger. And I pray you that in as short time as ye goodly may, that I might be ascertained of your intent. And now farewell, mine own fair lady, and God give you good rest for in faith I trow you be in bed.

Written on my way homeward on Mary Magdalen's day at midnight.

Your own
JOHN PASTON."

The following April there is a letter from Lord Scales, a relative of the lady, addressed to his servants and tenants, reciting that:²

¹ Paston Letters, Gairdner's Ed., 1895, No. 588.

² Paston Letters, No. 604.

"For as much as a marriage is fully concluded betwixt Sir John Paston and my right near kinswoman Hault, I will that ye understand that I must of nature and reason show unto him our good assistance and favor in such matters as he shall have to do."

A few days earlier, Margaret Paxton, mother of Sir John, wrote to him an inquiry in these words:³

"I have no very knowledge of your ensurance, but if ye be ensured I pray God send you joy and worship together and so trust ye shall have, if it be as it is reported of her; and before God ye are as greatly bound to her as ye were married, and therefore I charge you on my blessing that ye be as true to her as she were married unto you in all degrees and ye shall have the more grace and the better speed in all other things. Also I would that ye should not be too hasty to be married till ye were sure of your livelihood, for ye must remember what charge ye shall have, and if ye have not to maintain it, it will be great rebuke and therefore labor that ye be in more surety of your land, or then ye be married.

I would write more to you but for the lack of leisure. God have you in his keeping. Written in haste on Easter Monday."

When parties were engaged to be married they were said to be "ensured" to each other. Sir John was at this time twenty-seven years old. A delay in his marriage was caused by a controversy as to the title to his lands and this delay probably cooled the ardor of the parties. About two years later Sir John refers thus to the matter in a letter to his brother:⁴

"I had almost spoke with Mistress Anne Haute, but I did not; nevertheless this next term I hope to take one way with her or other; she is agreed to speak with me and she hopeth to do me ease as she saith."

Two years passed and in 1473, a letter contained the following:⁵

"Item, as for me, if I had had six days leisure more than I had, I would have hoped to have been delivered of Mistress Anne

³ Paston Letters, No. 601.

⁴ Paston Letters, No. 675.

⁵ Paston Letters, No. 722.

Hault. Her friend the Queen and Attcliff agreed to commune and conclude with me, if I can find the means to discharge her conscience which I trust to God to do."

A little later he wrote as follows to his brother:⁶

"Ye prayed me also to send you tidings how I sped in my matters and chief of Mistress Anne Hault. I have answer again from Rome that there is the well of grace and salve sufficient for such a sore and that I may be dispensed with; nevertheless my proctor there asketh a thousand ducats. But Master Lacy another Rome runner here which knoweth my proctor there said he meaneth but an hundred or two hundred at most."

No reference to the matter is found during the next four years, but in 1477 there is this reference to the engagement:⁷

"Item, this day the matter between Mistress Anne Hault and me hath been sore broken both to the Cardinal, to my Lord Chamberlain and to myself, and I am in hope, when I hear and know more I shall send you word."

Finally in the same year he announces that:⁸

"The matter between Anne Hault and me shall, with God's grace this term be at a perfect end which will charge me further than I have money as yet or am like to have before that time."

His mother a year later, states a rumor that he is to marry a lady "right nigh of the Queen's blood." We may therefore assume that this engagement was legally ended by dispensation from Rome, and that a marriage engagement or "ensurance" could be ended in no other way while both parties were living.

The other marriage engagement referred to in the letter was very objectionable to the friends of one of the parties because of the difference in social position. Richard Calle was a hired servant or steward of the Paston family. That family owned many manors and were people of much distinction. Margery, sister of the Sir John already mentioned, was the other party to the engagement.

⁶ Paston Letters, No. 732.

⁷ Paston Letters, No. 786.

⁸ Paston Letters, No. 802.

One of the brothers of Sir John writes him thus with regard to a conversation with one Lovell, a friend of Calle:⁹

"Lovell asked me once whether I understood how it was betwixt R. C. and my sister, wherefore to the intent that he nor they should pick no comfort of me, I answered him that an my father, whom God assoil, were alive and had consented thereto, and my mother, and ye both, he should never have my good will for to make my sister to sell candle and mustard in Framlingham; and thus with more which were too long to write to you we departed."

Soon after this Calle wrote a letter to the lady, which was evidently intercepted, and which contained the following:¹⁰

"I suppose they deem we be not ensured together and if they so do I marvel. I suppose and ye tell them sadly the truth they will not damn their souls for us."

But Calle also applied to the Bishop of Norwich and prayed that the lady be brought before him and asked about her engagement without any member of her family being present to intimidate her. The result is shown in this letter from her mother to her brother:¹¹

"On Thursday last my mother and I were with my Lord of Norwich and desired him that he would do no more in the matter touching your sister, till ye and my brother and others that were executors to your father might be there together for they had the rule of her as well as I, and he said plainly that he had been required to examine her and charged me in pain of cursing, that she should appear before him the next day; and I said plainly that I would neither bring her nor send her; and then he said that he would send for her himself and charged that she should be at liberty to come when he sent. My mother and I informed him that we could never understand by her saying that neither of them are bound. On Friday the Bishop sent for her and he said to her right plainly, and put her in remembrance how she was born, what kin and friends she had and would have more if she were ruled and guided after them, and if she did not what rebuke and shame and loss it should be to her; and said that he had heard say that

⁹ Paston Letters, No. 607.

¹⁰ Paston Letters, No. 609.

¹¹ Paston Letters, No. 617.

she loved such a one as her friends were not pleased with, and therefore he begged her be right well advised how she did and he said that he would understand the words that she had said to him whether that made matrimony or not. And she rehearsed what she had said, and said if those words made it not sure, she thought in her conscience she was bound whatsoever the words were.

"And then the Bishop said that neither I nor no friends of hers would receive her, and then Calle was examined apart by himself and her words and his were accorded. And then the Bishop said he would not be too hasty to give sentence and would give a day till the Wednesday after Michaelmas."

In the interval, as her mother refused to receive Margery, she was boarded by the Bishop. Her name appeared only once again in the correspondence. When her mother died thirteen years later, she bequeathed twenty pounds to "John Calle, son of Margaret my daughter." It is evident that very great pressure was brought to bear to prevent this marriage, and that the Bishop himself would have been glad to have decided against the claim of Richard Calle.

Though these are the only two marriage engagements referred to in the Paston letters they are filled with accounts of negotiations for marriage. These negotiations are uniformly conducted by relatives of the parties concerned. If these parties are young little attention seems to be paid by those relatives to their wishes. An excellent illustration is found in the marriage of Margaret Manteby to the first John Paston. His mother thus describing the first meeting of the two, in a letter to her husband, Sir William Paston, then a Judge of the Court of Common Pleas and traditionally known as the Good Judge:¹²

"Dear Husband, Blessed be God I send you good tidings of the bringing home of the gentlewoman that ye wit of from Redham, this same night, according to appointment that ye made therefor yourself. And as for the first acquaintance between John Paston and the said gentlewoman, she made him gentle cheer in gentle wise, and said he was verily your son. And so I hope there shall need no great treaty betwixt them."

¹² Paston Letters, No. 25.

A marriage promptly followed this first interview and the parties lived together very happily, as husband and wife, for twenty-six years, when the husband died. His widow survived him for sixteen years, and though possessed of a large estate, never married again.

During the negotiations between relatives the young woman was kept very secluded. Elizabeth Paston, a sister of John, caused a friend Elizabeth Clere to write to her brother John that "her trust was in him" that she "could not speak with no man" and that "her head was broken in two or three places," presumptively by her mother. Naturally the young man was allowed a greater opportunity of inspection, but even in his case, all serious negotiations were conducted by his relatives on his behalf.

Another John Paston was a second son and therefore could not have been considered a great matrimonial prize. He was about thirty years old and had, for several years, been looking for a wife. His letters to his brother in London contain frequent requests to inspect and report upon the attractions of specific young women. In 1474 he wrote thus in a letter:¹³

"Also I pray that ye will commune with John Lee or his wife or both, and understand how the matter at the Black Friars doth, and that ye will see and speak with the thing yourself and with her father and mother ere ye depart."

In the same letter he desires his brother to negotiate with a man named Eberton, and adds an advice:

"Not to conclude in any other place though Eberton would not give so much with Mistress Elizabeth his daughter, as I might have with the other for such fantasy as I have in the said Mistress Elizabeth Eberton."

About this time he met a lady named Margaret Brews. Their mutual discovery of each other was evidently pleasing to both and one who reads between the lines of the eighteen letters concerning the affair will see that from the beginning a marriage was probable. The parties to the negotiations were, on one side, Margaret Paston, John's mother, and Sir John his

¹³ Paston Letters, No. 739.

brother. On the other side, they were Sir Thomas Brews, the lady's father, and Dame Elizabeth her mother. The correspondence as to settlements continued for sometime. Whenever it seemed about to fail Dame Elizabeth renewed it and repeated these lines:

"It is but a simple oak,
That is cut down at the first stroke."

She praises her daughter in these words:¹⁴

"But and we accord I shall give you a greater treasure, that is, a witty gentlewoman and if I say it both good and virtuous; for if I should take money for her I would not give her for a thousand pounds."

There is a copy of one letter from John to Margery. It is long and though expressing affection does not mention matrimony.

Valentine's Day occurred about that time and the lady addressed an epistle:¹⁵

"Unto my right well beloved Valentine, John Paston Squire
be this bill delivered."

After quoting two stanzas of poetry, she proceeds with these words:

"And my lady my mother hath labored the matter to my father full diligently, but she can no more get than ye know of, for the which God knoweth I am fully sorry. But if that ye love me as I trust verily that ye do, ye will not lose me therefor, for if that ye had not half the livelihood that ye have I would not forsake you."

A day or two later she wrote him another letter in which she said:¹⁶

"My father will no more money part with in that behalf, which is right far from the accomplishment of your desire. Wherefore if ye could be content with that good and my poor person, I would be the merriest maiden on ground; and if ye think not yourself so satisfied, good

¹⁴ Paston Letters, No. 781.

¹⁵ Paston Letters, No. 783.

¹⁶ Paston Letters, No. 784.

true and loving Valentine, take no such labor unto you as to come more for that matter, but let it pass and never more be spoken of."

Nothing more occurred until the following June when John sent to his mother drafts of two letters, one from her to Margery's mother, containing a somewhat improved proposition, and one to John himself directing him to break off negotiation and come home. His mother was to copy the two letters and return them to him. He evidently used his ingenious plan with success, for in the following December we find a letter from Margery Paston addressed "to my right reverend and worshipful husband, John Paston."

There was one legal remedy given to the wife at that time which she afterward lost. This remedy was called an appeal. It lay against a wrongdoer by the widow of one who had met death through his wrongful act. It was a civil action for damage because of loss of the consortium. Pardon of the wrongful act by the King therefore did not affect it. It seems curious that, though referred to by Blackstone, it became obsolete, and had to be revived by our modern statutes, giving remedy in case of death by wrongful act. This action however was caused to abate if the widow remarried at anytime before final judgment. At one time John Paston defended a castle against an attack by the Duke of Norfolk. During the siege two of the Duke's army were killed and their widows brought appeals against John Paston. Sometime later his brother wrote him thus from London:¹⁷

"Item I pray you, let some witty fellow, or else yourself, go to the towns where these two women dwell, and inquire whether they be married again or not, for I believe the things have wedded, and if they be then the appeals were abated thereby. I remember not their names. Ye know them better than I. Ye can find them in the sheriff's book."

This advice was followed and it does not much surprise us that the next letter, which is by a detective, or agent, who signs

¹⁷ Paston Letters, No. 676.

only by initials, discloses that the suspicion was well founded, that the appeals had abated, and that one of the ladies denied that she had ever sued Paston and expressed great indignation against one Maister Southwell, counsel for the Duke of Norfolk, who had induced her to remain a widow for a whole year by making her in his office certain promises of a financial nature, which remained in great part unfulfilled.

The lawyer's wife is very efficient. She represents her husband on his estate in Norfolk while he is in his London office in the Temple attending to the business of his clients. She sends out the rent collectors, superintends the repairs, and in case of emergency, at the head of her servants defends a fortified manor house against the forcible entry of some adverse claimant. What is most surprising is the general knowledge of legal terms. The correspondence teems with such expressions as assizes of Novel Disseisin, writs of attaint, of supersedeas, feoffees to uses, appeals, attachments and inventories. The wife seems to understand them all.

The period of this correspondence was one of general disturbance. The Wars of the Roses were in progress through the whole of it. The great nobles were killing each other off in battle or being decapitated for taking the losing side. But the class represented by the lawyers and the country gentlemen were rising in importance all through the period. The courts were crowded with land suits. Forcible entries were being continually made or repelled. The lawyer rode armed between his home and his chambers. But his residence was his refuge, and his wife, in truth, his helpmeet.

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